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AN EXPOSITION

OF THE CAUSES AND CHARACTER OF THE LATE WAR WITH GREAT BRITAIN.

[Continued]

All the precautions of the American government were, nevertheless, ineffectual, and the assurances of the British government were in no instance verified. The outrage of impressment was again, indiscriminately perpetrated upon the crew of every American vessel, and on every sea.

Amidst these scenes of injustice on the one hand, and of reclamation on the other, the American government preserved its equanimity and its firmness. It beheld much in the conduct of France, and of her ally, Spain, to provoke reprobation.

It has been shown, that a treaty proposed, emphatically, by the British minister, resident at Philadelphia, as the means of drying up every source of complaint and irritation, upon the head of impressment, was deemed utterly inadmissible, by the American government, because it did not sufficiently provide for that object.

See the orders in council of the 24th of June, 1803, and 17th of August, 1805. See the memorials of Boston, New-York, Philadelphia, Baltimore, &c. presented to Congress in the end of the year 1805, and the beginning of the year 1806.

ence to the narrow seas, claimed as a part of the British domain; and experience demonstrated, that although the spoliation committed upon the American commerce, might admit of reparation, by the payment of a pecuniary equivalent; yet, consulting the honor, and the feelings of the nation, it was impossible to receive satisfaction for the cruelties of impressment, by any other means, than by an entire discontinuance of the practice.

Inasmuch, however, as the treaty contained no provision against impressment, and it was seen by the government, when the treaty was under consideration for ratification, that the pledge contained in the substitute was not complied with, but, on the contrary, that the impressments were continued, with undiminished violence, in the American seas, so long after the alleged date of the instructions, which were to arrest them; that the practical inefficiency of the substitute could not be doubted by the government here, the ratification of the treaty was necessarily declined; and it has since appeared, that after a change of the British ministry had taken place, it was declared by the secretary for foreign affairs, that no engagements were entered into, on the part of his majesty, as connected with the treaty, except such as appear upon the face of it.

The American government, however, with unabating solicitude for peace, urged an immediate renewal of the negotiations on the basis of the abortive treaty, until the course was peremptorily declared, by the British government, to be wholly inadmissible.

But, independent of the silence of

See the act of congress passed the 18th of April, 1806; and the act suspending it, passed the 19th of December, 1806. See the note of the British commissioners, dated the 8th of Nov. 1806. See Mr. Canning's letter to the American envoys, dated the 27th Oct. 1807. See the same letter.

the proposed treaty, upon the great topic of American complaint, and of the view which has been taken of the projected substitute; the contemporaneous declaration of the British commissioners, delivered by the command of their sovereign, & to which the American envoys refused to make themselves a party, or to give the slightest degree of sanction, was regarded by the American government, as ample cause of rejection. In reference to the French decree, which had been issued at Berlin, on the 21st of November, 1806, it was declared that if France should carry the threats of that decree into execution, and, if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might, probably, be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures, which those nations should have permitted to be enforced against their commerce with his subjects; that his majesty could not enter into the stipulations of the present treaty, without an explanation from the United States of their intentions, or a reservation on the part of his majesty, in the case above mentioned, if it should ever occur; and that without a formal abandonment, or tacit relinquishment of the unjust pretensions of France; or without such conduct and assurances upon the part of the United States, as should give security to his majesty, that they would not submit to the French innovations, in the established system of maritime law, his majesty would not consider himself bound by the present signature of his commissioners, to ratify the treaty, or precluded from adopting such measures as might seem necessary for counteracting the designs of the enemy.

The reservation of a power, to invalidate a solemn treaty, at the pleasure of one of the parties, and the measures of inflicting punishments upon the United States, for the offences of another nation, proved, in the event, a prelude to the scenes of violence, which Great Britain was then about to display, and which it would have been improper for the American negotiators to anticipate. For, if a commentary were wanting to explain the real design of such conduct, it would be found in the fact, that within eight days from the date of the treaty, and before it was possible for the British government, nay, even before the American government had itself heard of that decree, the destruction of American commerce was commenced by the order in council of the 7th of January, 1807, which announced, that no vessel should be permitted to trade from one port to another, both which ports should belong to, or be in the possession of France, or her allies; or should be so far under their control, as that British vessels might not trade freely thereat.

During the whole period of this negotiation, which did not finally close until the British government declared, in the month of October, 1807, that negotiation was no longer admissible, the course pursued by the British squadron stationed more immediately on the American coast, was in the extreme vexatious, predatory, and hostile. The territorial jurisdiction of the United States, extending, upon the principles of the law of nations, at least a league over the adjacent ocean, was totally disregarded and contemned. Vessels employed in the coasting trade, or in the business of the pilot and the fisherman, were objects of incessant violence; their petty cargoes were plundered; and some of their scanty crews were often either impressed, or wounded, or killed by the force of British frigates. British ships of war hovered, in warlike display upon the coast; block-

See the note of the British commissioners, dated the 31st Dec. 1806. See also the answer of Messrs. Monroe and Pinkney to that note. See the order in council of January 7, 1807.

aded the ports of the United States, so that no vessel could enter or depart in safety; penetrated the bays and rivers, and even anchored in the harbors of the United States, to exercise a jurisdiction of impressment; threatened the towns and villages with conflagration; and wantonly discharged musketry, as well as cannon, upon the inhabitants of an open and unprotected country. The neutrality of the American territory was violated on every occasion; and, at last, the American government was doomed to suffer the greatest indignity, which could be offered to a sovereign and independent nation, in the ever memorable attack of a British 50 gun ship, under the countenance of the British squadron, anchored within the waters of the United States, upon the frigate Chesapeake, peaceably prosecuting a distant voyage. The British government affected, from time to time, to disapprove and condemn these outrages; but the officers who perpetrated them were generally applauded; if tried, they were acquitted; if removed from the American station, it was only to be promoted in another station; & if atonement were offered, as in the fragrant instance of the frigate Chesapeake, the atonement was so ungracious in the manner, and so tardy in the result, as to betray the want of that conciliatory spirit which ought to have characterized it.

But the American government, soothing the exasperated spirit of the people, by a proclamation which interdicted the entrance of all British armed vessels into the harbors and waters of the United States, neither commenced hostilities against Great Britain; nor sought a defensive alliance with France; nor relaxed in its firm but conciliatory efforts, to enforce the claims of justice, upon the honor of both nations.

The rival ambition of G. Britain and France, now, however approached the consummation, which, involving the destruction of all neutral rights upon an avowed principle of action, could not fail to render an actual state of war, comparatively, more safe and more prosperous, than the imaginary state of peace, to which neutrals were reduced. The just and impartial conduct of a neutral nation ceased to be its shield and its safeguard, when the conduct of the belligerent powers towards each other, became the only criterion of the law of war. The wrong committed by one of the belligerent powers was thus made the signal for the perpetration of a greater wrong by the other; and if the American government complained to both powers, their answer, although it never denied the causes of complaint, invariably retorted an idle and offensive inquiry into the priority of their respective aggressions; or each demanded a course of resistance against its antagonist which was calculated to prostrate the American right of self government, and to coerce the United States, against their interest and their policy, into becoming an associate in the war. But the American government never did and never can admit that a belligerent power, in taking steps to restrain the violence of its enemy, and to retort upon them the evils of their own injustice, is entitled to disturb and to destroy the rights of a neutral power, as recognized and established by the law of nations. It was impossible, indeed, to trace the real features of the mis-called retaliatory system should be long masked from the world; when G. Britain, even in her acts of professed retaliation, declared that France was unable to execute the hostile denunciations

See the evidence of these facts reported to congress in November, 1806. See the documents respecting capt. Love of the frigate, capt. Whitby, of the Leander, and captain See, also, the correspondence respecting the frigate Chesapeake, with Mr. Canning, at London; with Mr. Rose, at Washington; with Mr. Erskine, at Washington; and with See the proclamation of the 2d of July, 1807.

of her decrees; and when Great Britain herself, unblushingly entered into the same commerce with her enemy (through the medium of forgeries, perjuries, and licences) from which she had interdicted offending neutrals. The pride of naval superiority and the cravings of commercial monopoly, gave, after all, the impulse and direction to the councils of the British cabinet; while the vast, although visionary projects of France, furnished occasions and pretexts for accomplishing the objects of those councils.

The British minister, resident at Washington, in the year 1804, having distinctly recognized, in the name of his sovereign, the legitimate principles of blockade, the American government received, with some surprise and solicitude, the successive notifications of the 9th of August, 1804, the 2d of April, 1806, and in re particular of the 16th of May, 1805, announcing, by the last notification, a blockade of the coast, rivers and ports, from the river Elbe to the port of Brest, both inclusive. In none of the notified instances of blockade were the principles that had been recognized in 1804 adopted and pursued, and it will be recollected by all Europe, that neither at the time of the notification of the 16th of May 1806; nor at the time of excepting the Elbe and Ems from the operation of that notification; nor at any time during the continuance of the French war, was there an adequate naval force actually applied by Great Britain, for the purpose of maintaining a blockade from the river Elbe to the port of Brest. It was then, in the language of the day, 'a mere paper blockade,' a manifest infraction of the law of nations; and an act of peculiar injustice to the United States, as the only neutral power against which it would practically operate.

But whatever may have been the sense of the American government on the occasion; and whatever might be the disposition to avoid making this the ground of an open rupture with Great Britain, the case assumed a character of the highest interest, when, independent of its own injurious consequences, France in the Berlin decree of the 21st of November 1804, recited as a chief cause for placing the British islands in a state of blockade, that Great Britain declares blockaded, places before which she has not a single vessel of war; and even places which her united forces would be incapable of blockading, such as entire coasts, and a whole empire; an unequalled abuse of the right of blockade, that had no other object than to intercept the communications of different nations; and to extend the commerce and industry of England, upon the ruin of those nations. The American government also not, and never has aimed at the justification either of Great Britain or of France, in their career of crimination and reprimand; but it is of some importance to observe, that if the blockade of May 1806 was an unlawful blockade, and if the right of retaliation arose with the first unlawful attack made by a belligerent power upon neutral rights, Great Britain has yet to answer to mankind, according to the rule of her own acknowledgment, for all the calamities of the retaliatory warfare. France, whether right or wrong, made the British system of blockade the foundation of the Berlin decree; and France had an equal right with Great Britain to demand from the United States an opposition to every encroachment upon the privileges of the neutral character. It is enough, however, on the present occasion, for the American govern-

See the orders in council of the 7th of January, 1807. See the orders in council of the 7th of January, 1807. See Lord Harrowby's note to Mr. Monroe, dated the 9th of August 1804, and Mr. Fox's notes to Mr. Monroe, dated respectively the 2d of April, and 16th of May 1805. See Lord Howick's note to Mr. Monroe, dated the 25th September, 1805. See the Berlin decree of the 21st of November, 1806.